

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : John H. Healey and Gene R. DIRESTA  
U.S. Serial No.: 09/890,116  
Confirmation No.: 6037  
Filed : November 20, 2001  
For : ANTI-RESORPTIVE BONE CEMENTS AND ALLOGENEIC,  
AUTOGRAPHIC, AND XENOGRAPHIC BONE GRAFTS  
Examiner : Donna A. Jagoe  
Art Unit : 1614

Law Offices of Albert Wai-Kit Chan, PLLC  
World Plaza, Suite 604  
141-07 20<sup>th</sup> Avenue  
Whitestone, New York 11357

August 7, 2007

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

**REQUEST FOR CONTINUED EXAMINATION (RCE) AND  
PETITION FOR EXTENSION OF TIME**

This Communication is being filed to submit a Request for Continued Examination (RCE) under 37 CFR § 1.114 in connection with the above-identified application. A copy of the Request for Examination Transmittal is attached herein as **Exhibit A**. The fee for the RCE is THREE HUNDRED AND NINETY-FIVE DOLLARS (\$395.00) for small entity. Applicants hereby authorize the charge to Deposit Account No. 50-1891.

A Final Office Action was issued by the United States Patent and Trademark Office on March 9, 2007. A response to the March 9,

Applicants : John H. Healey and Gene R. DIRESTA  
U.S. Serial No.: 09/890,116  
Filed : November 20, 2001  
Page : 2

2007 Final Office Action was filed on April 18, 2007. The Examiner to whom this Application is assigned issued an Advisory Action on July 16, 2007. Since a first reply was filed within two months of the final rejection, the period for reply to the final office action expires on the mailing date of the Advisory Action. Applicants hereby petition for a one month extension of time, and authorize the Commissioner to charge the SIXTY DOLLARS (\$60.00) extension fee for small entity to Deposit Account No. 50-1891. Accordingly, the deadline to file a Request for Continued Examination is August 16, 2007. Therefore, this Request for Continued Examination is being timely filed.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided below. If any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 50-1891.

Respectfully submitted,

Albert Wai-Kit Chan

Albert Wai-Kit Chan

Registration No. 36,479

Attorney for Applicants

Law Offices of

Albert Wai-Kit Chan, PLLC

World Plaza, Suite 604

141-07 20<sup>th</sup> Avenue

Whitestone, New York 11357

Tel: (718) 799-1000

Fax: (718) 357-8615

E-mail: chank@kitchanlaw.com

# EXHIBIT A

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

# Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/890,116
Filing Date	November 20, 2001
First Named Inventor	John H. Healey
Art Unit	1614
Examiner Name	Donna A. Jagoe
Attorney Docket Number	850-PCT-US

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

- Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
  - ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
    - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
    - ☐ Other \_\_\_\_\_
  - ☐ Enclosed
    - ☐ Amendment/Reply
    - ☐ Affidavit(s) Declaration(s)
    - ☐ Information Disclosure Statement (IDS)
    - ☐ Other \_\_\_\_\_
- Miscellaneous**
  - ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
  - ☐ Other \_\_\_\_\_
- Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.  
The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 50-1891. I have enclosed a duplicate copy of this sheet.
  - ☒ RCE fee required under 37 CFR 1.17(e)
  - ☒ Extension of time fee (37 CFR 1.136 and 1.17)
  - ☐ Other \_\_\_\_\_
  - ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
  - ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Albert Wai-Kit Chan</i>	Date	August 7, 2007
Name (Print/Type)	Albert Wai-Kit Chan	Registration No.	36,479

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	
Name (Print/Type)	
Date	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.